

Basin Reclamation District, the Sargent River Irrigation District, and the Farwell Irrigation District, Nebraska, property comprising the assets of the Middle Loup Division of the Missouri River Basin Project, Nebraska, as amended.

The Clerk read as follows:

H. R. 2984

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF THE ASSETS OF THE MIDDLE LOUP DIVISION OF THE MISSOURI RIVER BASIN PROJECT, NEBRASKA.

(a) IN GENERAL.—The Secretary shall, as soon as practicable after the date of enactment of this Act and in accordance with all applicable law, convey all right, title, and interest in and to the property comprising the assets of the Missouri River Basin Project, Middle Loup Division, Nebraska, in accordance with the Memorandum of Understanding.

(b) SALE PRICE.—The Secretary shall accept \$2,847,360 as payment from the District and \$2,600,000 as payment from the power customers under the terms specified in this section, as consideration for the conveyance under subsection (a). Out of the receipts from the sale of power from the Pick-Sloan Missouri Basin Program (Eastern Division) collected by the Western Area Power Administration and deposited into the Reclamation fund of the Treasury in fiscal year 2001, \$2,600,200 shall be treated as full and complete payment by the power customers of such consideration and repayment by the power customers of all aid to irrigation associated with the facilities conveyed under subsection (a).

(c) FUTURE BENEFITS.—Upon payment by the Districts of consideration for the conveyance in accordance with the Memorandum of Understanding, the Middle Loup Division of the Missouri River Basin Project—

(1) shall not be treated as a Federal reclamation project; and

(2) shall not be subject to the reclamation laws or entitled to receive any reclamation benefits under those laws.

(d) LIABILITY.—Except as otherwise provided by law, effective on the date of conveyance of the assets under this section, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the assets.

(e) DEFINITIONS.—In this section:

(1) ASSETS.—The term “assets” has the meaning that term has in the Memorandum of Understanding.

(2) DISTRICTS.—The term “Districts” means the Loup Basin Reclamation District, the Sargent River Irrigation District, and the Farwell Irrigation District, Nebraska.

(3) MEMORANDUM OF UNDERSTANDING.—The term “Memorandum of Understanding” means Bureau of Reclamation memorandum of understanding number 99AG601285, entitled “MEMORANDUM OF UNDERSTANDING BETWEEN UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF RECLAMATION GREAT PLAINS REGION NEBRASKA-KANSAS AREA OFFICE AND LOUP BASIN RECLAMATION DISTRICT FARWELL IRRIGATION DISTRICT SARGENT IRRIGATION DISTRICT CONCERNING PRINCIPLES AND ELEMENTS OF PROPOSED TRANSFER OF TITLE TO WORKS, FACILITIES AND LANDS IN THE MIDDLE LOUP DIVISION”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

GENERAL LEAVE

Mr. Gilchrest. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2984.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2984 directs the Secretary of Interior to convey all right, title and interest in the Middle Loup Division to the Farwell Irrigation District; the Sargent Irrigation District; and the Loup Basin Reclamation District, in the State of Nebraska, in accordance with a signed memorandum of understanding between the Bureau of Reclamation and the districts.

An agreement on the sale price has been worked out between the districts, the Bureau of Reclamation and Western Area Power Administration for the facilities to be conveyed under this act. I urge an aye vote on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2984, as amended, would direct to the Bureau of Reclamation, subject to applicable law, to convey a portion of the Pick-Sloan Missouri Basin flood control and irrigation project to the Loup Basin Reclamation District, the Sargent River Irrigation District and the Farwell Irrigation District in Nebraska.

This legislation, as amended, it is my understanding that the administration supports it and at a later point in time I will reserve the right to vote on this suspension bill.

Mr. Speaker, I yield back the balance of my time.

Mr. GILCHREST. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 2984, as amended.

The question was taken.

Mr. FALEOMAVAEGA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's

prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

TORRES-MARTINEZ DESERT CAHUILLA INDIANS CLAIMS SETTLEMENT ACT

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4643) to provide for the settlement of issues and claims related to the trust lands of the Torres-Martinez Desert Cahuilla Indians, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4643

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Torres-Martinez Desert Cahuilla Indians Claims Settlement Act”.

SEC. 2. CONGRESSIONAL FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) In 1876, the Torres-Martinez Indian Reservation was created, reserving a single, 640-acre section of land in the Coachella Valley, California, north of the Salton Sink. The Reservation was expanded in 1891 by Executive Order, pursuant to the Mission Indian Relief Act of 1891, adding about 12,000 acres to the original 640-acre reservation.

(2) Between 1905 and 1907, flood waters of the Colorado River filled the Salton Sink, creating the Salton Sea, inundating approximately 2,000 acres of the 1891 reservation lands.

(3) In 1909, an additional 12,000 acres of land, 9,000 of which were then submerged under the Salton Sea, were added to the reservation under a Secretarial Order issued pursuant to a 1907 amendment of the Mission Indian Relief Act. Due to receding water levels in the Salton Sea through the process of evaporation, at the time of the 1909 enlargement of the reservation, there were some expectations that the Salton Sea would recede within a period of 25 years.

(4) Through the present day, the majority of the lands added to the reservation in 1909 remain inundated due in part to the flowage of natural runoff and drainage water from the irrigation systems of the Imperial, Coachella, and Mexicali Valleys into the Salton Sea.

(5) In addition to those lands that are inundated, there are also tribal and individual Indian lands located on the perimeter of the Salton Sea that are not currently irrigable due to lack of proper drainage.

(6) In 1982, the United States brought an action in trespass entitled “United States of America, in its own right and on behalf of Torres-Martinez Band of Mission Indians and the Allottees therein v. the Imperial Irrigation District and Coachella Valley Water District”, Case No. 82-1790 K (M) (hereafter in this section referred to as the “U.S. Suit”) on behalf of the Torres-Martinez Indian Tribe and affected Indian allottees against the two water districts seeking damages related to the inundation of tribal- and allottee-owned lands and injunctive relief to prevent future discharge of water on such lands.

(7) On August 20, 1992, the Federal District Court for the Southern District of California

entered a judgment in the U.S. Suit requiring the Coachella Valley Water District to pay \$212,908.41 in past and future damages and the Imperial Irrigation District to pay \$2,795,694.33 in past and future damages in lieu of the United States request for a permanent injunction against continued flooding of the submerged lands.

(8) The United States, the Coachella Valley Water District, and the Imperial Irrigation District have filed notices of appeal with the United States Court of Appeals for the Ninth Circuit from the district court's judgment in the U.S. Suit (Nos. 93-55389, 93-55398, and 93-55402), and the Tribe has filed a notice of appeal from the district court's denial of its motion to intervene as a matter of right (No. 92-55129).

(9) The Court of Appeals for the Ninth Circuit has stayed further action on the appeals pending the outcome of settlement negotiations.

(10) In 1991, the Tribe brought its own lawsuit, *Torres-Martinez Desert Cahuilla Indians, et al., v. Imperial Irrigation District, et al.*, Case No. 91-1670 J (LSP) (hereafter in this section referred to as the "Indian Suit") in the United States District Court, Southern District of California, against the two water districts, and amended the complaint to include as a plaintiff, Mary Resvaloso, in her own right, and as class representative of all other affected Indian allotment owners.

(11) The Indian Suit has been stayed by the district court to facilitate settlement negotiations.

(b) PURPOSE.—The purpose of this Act is to facilitate and implement the settlement agreement negotiated and executed by the parties to the U.S. Suit and Indian Suit for the purpose of resolving their conflicting claims to their mutual satisfaction and in the public interest.

SEC. 3. DEFINITIONS.

For the purposes of this Act:

(1) **TRIBE.**—The term "Tribe" means the Torres-Martinez Desert Cahuilla Indians, a federally recognized Indian tribe with a reservation located in Riverside and Imperial Counties, California.

(2) **ALLOTTEES.**—The term "allottees" means those individual Tribe members, their successors, heirs, and assigns, who have individual ownership of allotted Indian trust lands within the Torres-Martinez Indian Reservation.

(3) **SALTON SEA.**—The term "Salton Sea" means the inland body of water located in Riverside and Imperial Counties which serves as a drainage reservoir for water from precipitation, natural runoff, irrigation return flows, wastewater, floods, and other inflow from within its watershed area.

(4) **SETTLEMENT AGREEMENT.**—The term "Settlement Agreement" means the Agreement of Compromise and Settlement Concerning Claims to the Lands of the United States Within and on the Perimeter of the Salton Sea Drainage Reservoir Held in Trust for the Torres-Martinez Indians executed on June 18, 1996, as modified by the first, second, third, and fourth modifications thereto.

(5) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(6) **PERMANENT FLOWAGE EASEMENT.**—The term "permanent flowage easement" means the perpetual right by the water districts to use the described lands in the Salton Sink within and below the minus 220-foot contour as a drainage reservoir to receive and store water from their respective water and drainage systems, including flood water, return flows from irrigation, tail water, leach water, operational spills, and any other

water which overflows and floods such lands, originating from lands within such water districts.

SEC. 4. RATIFICATION OF SETTLEMENT AGREEMENT.

The United States hereby approves, ratifies, and confirms the Settlement Agreement.

SEC. 5. SETTLEMENT FUNDS.

(a) **ESTABLISHMENT OF TRIBAL AND ALLOTTEES SETTLEMENT TRUST FUNDS ACCOUNTS.**—

(1) **IN GENERAL.**—There are established in the Treasury of the United States three settlement trust fund accounts to be known as the "Torres-Martinez Settlement Trust Funds Account", the "Torres-Martinez Allottees Settlement Account I", and the "Torres-Martinez Allottees Settlement Account II", respectively.

(2) **AVAILABILITY.**—Amounts held in the Torres-Martinez Settlement Trust Funds Account, the Torres-Martinez Allottees Settlement Account I, and the Torres-Martinez Allottees Settlement Account II shall be available to the Secretary for distribution to the Tribe and affected allottees in accordance with subsection (c).

(b) **CONTRIBUTIONS TO THE SETTLEMENT TRUST FUNDS.**—

(1) **IN GENERAL.**—Amounts paid to the Secretary for deposit into the trust fund accounts established by subsection (a) shall be allocated among and deposited in the trust accounts in the amounts determined by the tribal-allottee allocation provisions of the Settlement Agreement.

(2) **CASH PAYMENTS BY COACHELLA VALLEY WATER DISTRICT.**—Within the time, in the manner, and upon the conditions specified in the Settlement Agreement, the Coachella Valley Water District shall pay the sum of \$337,908.41 to the United States for the benefit of the Tribe and any affected allottees.

(3) **CASH PAYMENTS BY IMPERIAL IRRIGATION DISTRICT.**—Within the time, in the manner, and upon the conditions specified in the Settlement Agreement, the Imperial Irrigation District shall pay the sum of \$3,670,694.33 to the United States for the benefit of the Tribe and any affected allottees.

(4) **CASH PAYMENTS BY THE UNITED STATES.**—Within the time and upon the conditions specified in the Settlement Agreement, the United States shall pay into the three separate tribal and allottee trust fund accounts the total sum of \$10,200,000, of which sum—

(A) \$4,200,000 shall be provided from monies appropriated by Congress under section 1304 of title 31, United States Code, the conditions of which are deemed to have been met, including those of section 2414 of title 28, United States Code; and

(B) \$6,000,000 shall be provided from monies appropriated by Congress for this specific purpose to the Secretary.

(5) **ADDITIONAL PAYMENTS.**—In the event that any of the sums described in paragraph (2) or (3) are not timely paid by the Coachella Valley Water District or the Imperial Irrigation District, as the case may be, the delinquent payor shall pay an additional sum equal to 10 percent interest annually on the amount outstanding daily, compounded yearly on December 31 of each respective year, until all outstanding amounts due have been paid in full.

(6) **SEVERALLY LIABLE FOR PAYMENTS.**—The Coachella Valley Water District, the Imperial Irrigation District, and the United States shall each be severally liable, but not jointly liable, for its respective obligation to make the payments specified by this subsection.

(c) **ADMINISTRATION OF SETTLEMENT TRUST FUNDS.**—The Secretary shall administer and distribute funds held in the Torres-Martinez Settlement Trust Funds Account, the Torres-Martinez Allottees Settlement Account I, and the Torres-Martinez Allottees Settlement Account II in accordance with the terms and conditions of the Settlement Agreement.

SEC. 6. TRUST LAND ACQUISITION AND STATUS.

(a) **ACQUISITION AND PLACEMENT OF LANDS INTO TRUST.**—

(1) **IN GENERAL.**—The Secretary shall convey into trust status lands purchased or otherwise acquired by the Tribe within the areas described in paragraphs (2) and (3) in an amount not to exceed 11,800 acres in accordance with the terms, conditions, criteria, and procedures set forth in the Settlement Agreement and this Act. Subject to such terms, conditions, criteria, and procedures, all lands purchased or otherwise acquired by the Tribe and conveyed into trust status for the benefit of the Tribe pursuant to the Settlement Agreement and this Act shall be considered as if such lands were so acquired in trust status in 1909 except as (i) to water rights as provided in subsection (c), and (ii) to valid rights existing at the time of acquisition pursuant to this Act.

(2) **PRIMARY ACQUISITION AREA.**—

(A) **IN GENERAL.**—The primary area within which lands may be acquired pursuant to paragraph (1) consists of the lands located in the Primary Acquisition Area, as defined in the Settlement Agreement. The amount of acreage that may be acquired from such area is 11,800 acres less the number of acres acquired and conveyed into trust under paragraph (3).

(B) **EFFECT OF OBJECTION.**—Lands referred to in subparagraph (A) may not be acquired pursuant to paragraph (1) if by majority vote the governing body of the city within whose incorporated boundaries (as such boundaries exist on the date of the Settlement Agreement) the subject lands are situated within formally objects to the Tribe's request to convey the subject lands into trust and notifies the Secretary of such objection in writing within 60 days of receiving a copy of the Tribe's request in accordance with the Settlement Agreement. Upon receipt of such a notification, the Secretary shall deny the acquisition request.

(3) **SECONDARY ACQUISITION AREA.**—

(A) **IN GENERAL.**—Not more than 640 acres of land may be acquired pursuant to paragraph (1) from those certain lands located in the Secondary Acquisition Area, as defined in the Settlement Agreement.

(B) **EFFECT OF OBJECTION.**—Lands referred to in subparagraph (A) may not be acquired pursuant to paragraph (1) if by majority vote—

(i) the governing body of the city within whose incorporated boundaries (as such boundaries exist on the date of the Settlement Agreement) the subject lands are situated within, or

(ii) the governing body of Riverside County, California, in the event that such lands are located within an unincorporated area, formally objects to the Tribe's request to convey the subject lands into trust and notifies the Secretary of such objection in writing within 60 days of receiving a copy of the Tribe's request in accordance with the Settlement Agreement. Upon receipt of such a notification, the Secretary shall deny the acquisition request.

(4) **CONTIGUOUS LANDS.**—The Secretary shall not take any lands into trust for the Tribe under generally applicable Federal

statutes or regulations where such lands are both—

(A) contiguous to any lands within the Secondary Acquisition Area that are taken into trust pursuant to the terms of the Settlement Agreement and this Act; and

(B) situated outside the Secondary Acquisition Area.

(b) **RESTRICTIONS ON GAMING.**—The Tribe may conduct gaming on only one site within the lands acquired pursuant to subsection 6(a)(1) as more particularly provided in the Settlement Agreement.

(c) **WATER RIGHTS.**—All lands acquired by the Tribe under subsection (a) shall—

(1) be subject to all valid water rights existing at the time of tribal acquisition, including (but not limited to) all rights under any permit or license issued under the laws of the State of California to commence an appropriation of water, to appropriate water, or to increase the amount of water appropriated;

(2) be subject to the paramount rights of any person who at any time recharges or stores water in a ground water basin to recapture or recover the recharged or stored water or to authorize others to recapture or recover the recharged or stored water; and

(3) continue to enjoy all valid water rights appurtenant to the land existing immediately prior to the time of tribal acquisition.

SEC. 7. PERMANENT FLOWAGE EASEMENTS.

(a) **CONVEYANCE OF EASEMENT TO COACHELLA VALLEY WATER DISTRICT.**—

(1) **TRIBAL INTEREST.**—The United States, in its capacity as trustee for the Tribe, as well as for any affected Indian allotment owners, and their successors and assigns, and the Tribe in its own right and that of its successors and assigns, shall convey to the Coachella Valley Water District a permanent flowage easement as to all Indian trust lands (approximately 11,800 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

(2) **UNITED STATES INTEREST.**—The United States, in its own right shall, notwithstanding any prior or present reservation or withdrawal of land of any kind, convey to the Coachella Valley Water District a permanent flowage easement as to all Federal lands (approximately 110,000 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

(b) **CONVEYANCE OF EASEMENT TO IMPERIAL IRRIGATION DISTRICT.**—

(1) **TRIBAL INTEREST.**—The United States, in its capacity as trustee for the Tribe, as well as for any affected Indian allotment owners, and their successors and assigns, and the Tribe in its own right and that of its successors and assigns, shall grant and convey to the Imperial Irrigation District a permanent flowage easement as to all Indian trust lands (approximately 11,800 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

(2) **UNITED STATES.**—The United States, in its own right shall, notwithstanding any prior or present reservation or withdrawal of land of any kind, grant and convey to the Imperial Irrigation District a permanent flowage easement as to all Federal lands (approximately 110,000 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

SEC. 8. SATISFACTION OF CLAIMS, WAIVERS, AND RELEASES.

(a) **SATISFACTION OF CLAIMS.**—The benefits available to the Tribe and the allottees under the terms and conditions of the Settlement Agreement and the provisions of this Act shall constitute full and complete satisfaction of the claims by the Tribe and the allottees arising from or related to the inundation and lack of drainage of tribal and allottee lands described in section 2 of this Act and further defined in the Settlement Agreement.

(b) **APPROVAL OF WAIVERS AND RELEASES.**—The United States hereby approves and confirms the releases and waivers required by the Settlement Agreement and this Act.

SEC. 9. MISCELLANEOUS PROVISIONS.

(a) **ELIGIBILITY FOR BENEFITS.**—Nothing in this Act or the Settlement Agreement shall affect the eligibility of the Tribe or its members for any Federal program or diminish the trust responsibility of the United States to the Tribe and its members.

(b) **ELIGIBILITY FOR OTHER SERVICES NOT AFFECTED.**—No payment pursuant to this Act shall result in the reduction or denial of any Federal services or programs to the Tribe or to members of the Tribe, to which they are entitled or eligible because of their status as a federally recognized Indian tribe or member of the Tribe.

(c) **PRESERVATION OF EXISTING RIGHTS.**—Except as provided in this Act or the Settlement Agreement, any right to which the Tribe is entitled under existing law shall not be affected or diminished.

(d) **AMENDMENT OF SETTLEMENT AGREEMENT.**—The Settlement Agreement may be amended from time to time in accordance with its terms and conditions to the extent that such amendments are not inconsistent with the trust land acquisition provisions of the Settlement Agreement, as such provisions existed on—

(1) the date of the enactment of this Act, in the case of Modifications One and Three; and

(2) September 14, 2000, in the case of Modification Four.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

SEC. 11. EFFECTIVE DATE.

(a) **IN GENERAL.**—Except as provided by subsection (b), this Act shall take effect on the date of enactment of this Act.

(b) **EXCEPTION.**—Sections 4, 5, 6, 7, and 8 shall take effect on the date on which the Secretary determines the following conditions have been met:

(1) The Tribe agrees to the Settlement Agreement and the provisions of this Act and executes the releases and waivers required by the Settlement Agreement and this Act.

(2) The Coachella Valley Water District agrees to the Settlement Agreement and to the provisions of this Act.

(3) The Imperial Irrigation District agrees to the Settlement Agreement and to the provisions of this Act.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentleman from American Samoa (Mr. FALEOMAVEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4643.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4643, a bill which will provide for the settlement of issues and claims related to the trust land of the Torres-Martinez Indian tribe.

H.R. 4643 would settle claims related to the loss of approximately 14,000 acres of trust lands by the Torres-Martinez Indian tribe. It would also implement a comprehensive settlement negotiated after 18 years of litigation involving the Federal Government and the tribe.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Mrs. BONO), whose district is impacted, to further explain the legislation.

Mrs. BONO. Mr. Speaker, I rise today in support of H.R. 4643, the Torres-Martinez Desert Cahuilla Indian Claim Settlement Act. Mr. Speaker, this legislation will bring an end to an injustice suffered by this tribe nearly a century ago. And for nearly a quarter of a century, the tribe has been working with the Federal Government and local water districts to reach a settlement that is fair and equitable for all parties. Finally, we have the opportunity to right this injustice and resolve this long-standing issue.

The Torres-Martinez tribe has been without the use of over 11,000 acres of their reservation lands, due to an accident of the Federal Government nearly a century ago. This accident was compounded by the more recent actions of local water districts and agricultural interests in the southeastern section of California.

Between 1905 and 1907, flood waters of the Colorado River breached an Army Corps of Engineers retaining dike and spilled into the Salton Sink. The result of this accident was the creation of the Salton Sea and the loss of the Torres-Martinez reservation lands. These lands remained inundated due in part of the flowage of natural runoff and drainage water from the irrigation systems of the Imperial, Coachella and Mexicali Valleys into the Salton Sea.

This issue has been before the Ninth Circuit Court of Appeals for two decades. After years spent in the judicial system, the Court and the tribe have turned to Congress and the administration to reach a settlement agreement that provides an equitable resolution that all agree is long overdue. Everyone may recall that my late husband, the Honorable Sonny Bono, also tried to bring a resolution to this issue in

1996. This body approved his bill. However, due to time constraints and disputes with entities that were not party to the settlement agreement itself, the bill never cleared the Senate and never made it to the President's desk, despite the administration's keen interest in having the bill signed into law.

Now, 95 years after the Torres-Martinez suffered their loss of lands, the time has come to finally remedy this situation. This Congress has one more chance to attempt to help this impoverished tribe; and it is my sincere hope that we will seize this opportunity and right this wrong once and for all.

Mr. Speaker, the Torres-Martinez people have worked tirelessly to accommodate the requests of the local cities, the County of Riverside and other local tribes. They have proven to be good neighbors by incorporating many suggestions and changes into the settlement agreement and this legislation. Some would argue that they have been too accommodating. As a result of numerous public forums and face-to-face meetings, this legislation reflects a consensus of the entire community. That is why the bill is supported by a wide variety of entities including the City of Coachella, within whose jurisdictional boundaries the Torres-Martinez may acquire land, consistent with existing law and the provisions contained in both the settlement agreement and this act. The tribe also enjoys the full support of Riverside County, the only other governmental entity within whose jurisdiction this tribe may acquire land as part of this settlement.

Mr. Speaker, what speaks volumes is the level of support of this agreement coming from the other sovereign Indian nations. I have received letters from virtually every tribe in the region which applaud the merits of this legislation and endorse the passage of this bill. Some tribes have even gone so far as to actively support this bill in the halls of Congress. They strongly believe that the Torres-Martinez are entitled to this just remedy and find it difficult to believe that this case has still not been resolved.

The Torres-Martinez people have also received strong bipartisan support in Congress. The gentleman from Alaska (Mr. YOUNG) has been a staunch ally and supporter of this bill. The chairman has lent his energy and enthusiasm to this cause, and I am most grateful for the leadership and help he has provided to both the tribe and me during this process.

In addition, I want to recognize the original cosponsor of this legislation, the ranking member of the House Committee on Resources, the gentleman from California (Mr. GEORGE MILLER). It is largely due to his efforts on behalf of this tribe that this bill has finally made its way to the floor today.

It is also fitting to thank the Departments of Interior and Justice for their

good work on this issue. The administration has cooperated with the tribe, the local water districts and the body in crafting an equitable solution. Also thanks to the boards and staff at the Coachella Valley Water District and the Imperial Irrigation District for their continued efforts.

I must also thank the other Members of this body, especially the gentleman from Michigan (Mr. KILDEE), who has been kind enough to lend their support to the Torres-Martinez. I commend them for standing up for what is right and justice.

Finally, to the staff and attorneys who have worked with this issue for countless hours, I thank them.

Now, Mr. Speaker, I humbly ask on behalf of the Torres-Martinez tribe that this body approve the legislation and give the people of this tribe the justice that they have sought for the past 95 years.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 4643, a bill to provide for the settlement of issues and claims related to the trust lands of the Torres-Martinez Desert Cahuilla Indian Nation. The Torres-Martinez Indian Reservation was created in 1876 to include 640 acres of land in the Coachella Valley south of California. The reservation was enlarged in 1891 and again in 1909. During this period, the Salton Sea was created covering thousands of acres of the reservation. The Salton Sea did not recede as expected and today approximately 11,000 acres of reservation land remain flooded.

Litigation over several issues surrounding the reservation has been ongoing for decades and the House has previously passed legislation in support of Torres-Martinez' goal of obtaining usable and economically viable reservation land.

During the term of this Congress, further disagreement has arisen and considerable effort has gone into resolving these new differences. It is my understanding that earlier today an agreement acceptable to all parties was reached and that this new agreement has been incorporated into the manager's amendment being offered today.

I want to thank the gentleman from Alaska (Mr. YOUNG), the chairman of our House Committee on Resources, the gentleman from California (Mr. GEORGE MILLER), the ranking minority member of the full committee, in our efforts to helping the Torres-Martinez tribe obtain additional productive land for their reservation. I also want to particularly commend the gentleman from California (Mrs. BONO), the chief sponsor of this legislation, for her tireless efforts in this legislation and her willingness to sponsor a bill to incorporate the provision of a fairly

complex agreement. We would not be here today if she had not done so.

I also want to give particular public recognition and my compliments and commendation to my good friend, the gentleman from Michigan (Mr. KILDEE), who has worked tirelessly for the past several years in giving his assistance and full participation in the negotiations between this tribe and other tribes in California. This has really helped tremendously in bridging the differences among not only the tribes but State officials.

Mr. Speaker, this is a good example of legislation in which not every party got everything that they wanted but it is something that they have indicated they can live with, and I know that it does give the Torres-Martinez tribe at last some useful land for their reservation. Mr. Speaker, I urge my colleagues to support this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, here we are again passing legislation to implement the settlement agreement to stop 18 years of litigation and provide the desperately poor Torres-Martinez Desert Cahuilla Indians with some usable land. Currently, the Tribe has over 11,000 acres of land sitting at the bottom of the Salton Sea with no hope of ever using that land for needed economic development or sustainable housing for their members. A court found in favor of the tribe in a 1984 trespassing suit brought against the Imperial Irrigation District (ID) and the Coachella Valley Water District (CVWD) and awarded damages to the tribe. To stave off a second suit filed on behalf of the tribe, the U.S. stepped in and worked out a settlement agreement agreeable to all parties.

The House of Representatives overwhelmingly passed this settlement legislation in the 104th Congress when our former colleague Sonny Bono pushed for its enactment. Congressman Bono tried to do the right thing by this tribe then and now Congresswoman BONO is continuing to fight for the tribe. I have been a proud sponsor of both bills and want to commend Mrs. BONO for all her hard work on behalf of this needy tribe. She has had to overcome a small but very well funded campaign of misinformation to bring the bill to this point.

This settlement will provide for payments to the tribe for the two water districts and provides to them permanent drainage flowage easements. Further, the tribe agrees to drop all claims against the United States with regard to their worthless land and is permitted to purchase some 11,000 acres out of two boxes drawn within ancestral lands to use for the benefit of the tribe. It is important to note that this tribe has been unable, through no fault of their own, to use most of their land since 1876.

This legislation has a wide range of support including the Imperial Irrigation and Coachella Valley Water Districts, the Department of Interior, the Department of Justice, numerous surrounding non Indian communities, several Members of Congress, and all local Indian

tribes. I have letters from some of these supporters which I'd like entered into the record along with my statement.

The bill before us today includes numerous concessions agreed to by the Torres-Martinez Tribe. Some I personally do not agree with, however I support the sovereign right of the tribe to make its own decisions and they have maintained legal representation throughout the process. The path this bill has taken has been a painful and difficult one due to the earlier opposition of a lone, small, wealthy tribe. Garnering non Indian support to fairly assist needy Indian Tribes has always been a hard task and one I've gladly taken on throughout my 25 years serving in the House. However, tribe against tribe situations are the most difficult we deal with and when one side is vastly out spent in its efforts, it makes the situation all the more sad. I hope this is the last of such battles we will have to address.

With that I urge my colleagues to support this bill and finally end this sad chapter in our history.

AGUA CALIENTE BAND
OF CAHUILLA INDIANS,
Palm Springs, CA.

Hon. MARY BONO,
House of Representatives, Washington, DC.

DEAR CONGRESSWOMAN BONO: On behalf of the Agua Caliente Band of Cahuilla Indians I wish to state that we support H.R. 4346. This bill contains a settlement agreement between the Torres-Martinez tribe, Coachella Valley Water District, Imperial Irrigation District and the Federal Government. This agreement settles a 15-year-old lawsuit that is on appeal before the Ninth Circuit Court. The entire east valley community stands to benefit from the legislation. Advantages will include the fact that agriculture will obtain rights to run off water from the numerous farms in the area and the federal government will continue efforts to clean up the Salton Sea.

As fellow Indian Nations we understand the hardships that the Torres-Martinez Band of Mission Indians have endured for nearly a century. A major injustice will be made right by the passage of this settlement agreement and we commit ourselves to help end this struggle. We are disappointed that the Cabazon Band of Mission Indians will not take this opportunity to help a fellow, disadvantaged nation, as they instead stand alone in their efforts to defeat this agreement.

If we can provide your office with any information on this matter, please feel free to contact us at any time. Also, if requested, we would be pleased to provide the House Committee on Resources with testimony in support of this measure when it becomes appropriate.

Yours truly,

RICHARD M. MILANOVICH,
Chairman, Tribal Council.

COACHELLA VALLEY WATER DISTRICT,
Coachella, CA, July 24, 2000.

Representative GEORGE MILLER,
Ranking Minority Member, House Resources Committee, Washington, DC.

DEAR REPRESENTATIVE MILLER: On behalf of the Coachella Valley Water District, I would like to request that the House Resources Committee favorably report H.R. 4643, "to provide for the settlement and claims related to the trust lands of the Torres-Martinez desert Cahuilla Indians, and for other purposes."

Enactment of this legislation would facilitate and implement a settlement agreement reached by the U.S. Government, the Tribe, Imperial Irrigation District and the Coachella Valley Water District. It is a rare occasion in which parties to such complex litigation are able to join together on a final resolution that is so important to such complex litigation are able to join together on a final resolution that is so important to our region in the State of California.

We appreciate any efforts you are able to make toward ensuring enactment of this legislation in the House this year.

Yours very truly,

TOM LEVY,
General Manager—Chief Engineer.

IMPERIAL IRRIGATION DISTRICT,
Imperial, CA, July 25, 2000.

Hon. GEORGE MILLER,
Ranking Member, House Resources Committee,
Washington, DC.

DEAR MR. MILLER: On behalf of the Board of Directors of the Imperial Irrigation District (IID), I am writing to express our support for H.R. 4643.

As you know, this legislation would help finalize the settlement of claims by the Torres-Martinez Desert Cahuilla Indian Tribe involving flooding around the Salton Sea. The settlement resolves long-standing disputes concerning land and water use by the IID and The Coachella Valley Water District located in the southern California desert.

The IID respectfully urges your support for H.R. 4643 during the committee's consideration of the measure.

We appreciate the time you and the committee staff have given this issue over the past few years and we look forward to the passage of the implementing legislation.

Sincerely,

ERIC E. YODER,
Government Relations.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from Michigan (Mr. KILDEE).

□ 1445

Mr. KILDEE. Mr. Speaker, I rise in strong support of H.R. 4643, as amended, legislation that will settle the land claims of the Torres-Martinez tribe of California.

Mr. Speaker, the time is long overdue for our government to provide just compensation to the Torres-Martinez tribe for the reservation lands they lost decades ago.

We have a moral obligation to fulfill this duty, and I am pleased that this legislation is before us today. I urge strongly the passage of H.R. 4643, as amended.

Mr. Speaker, for the last several years, and past weeks especially, I have been working with the Torres-Martinez tribe and the Cabazon Band to negotiate a compromise on an issue that has been a sticking point to these two sovereign governments.

Mr. Speaker, I believe this compromise will allow the Torres-Martinez tribe to be compensated while protecting the sovereign interests of the Cabazon tribe.

Mr. Speaker, I want to thank the tribal leaders of Torres-Martinez, the

Cabazon. It has been a pleasure working with the gentlewoman from California (Mrs. BONO) on this bill. I thank the gentleman from California (Mr. GEORGE MILLER) for his assistance in resolving this most difficult issue.

I also want to thank Kimberly Teehee of my staff here; Marie Howard, the committee staff, who has worked so hard on this; and Linda Valter who has done such a wonderful job over there.

This has been really a labor of love for all of us, and I am just very happy that we are at the point we are today.

Mr. FALEOMAVAEGA. Mr. Speaker, I reserve the balance of my time.

Mr. GILCHREST. Mr. Speaker, we have no additional speakers. I urge an aye vote on the legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I do not have any additional speakers, so I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 4643, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EL CAMINO REAL DE TIERRA ADENTRO NATIONAL HISTORIC TRAIL ACT

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2271) to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail, as amended.

The Clerk read as follows:

H.R. 2271

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "El Camino Real de Tierra Adentro National Historic Trail Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) El Camino Real de Tierra Adentro (the Royal Road of the Interior), served as the primary route between the colonial Spanish capital of Mexico City and the Spanish provincial capitals at San Juan de Los Caballeros (1598–1600), San Gabriel (1600–1609) and then Santa Fe (1610–1821).

(2) The portion of El Camino Real de Tierra Adentro that resided in what is now the United States extended between El Paso, Texas and present San Juan Pueblo, New Mexico, a distance of 404 miles;

(3) El Camino Real is a symbol of the cultural interaction between nations and ethnic groups and of the commercial exchange that made possible the development and growth of the borderland;

(4) American Indian groups, especially the Pueblo Indians of the Rio Grande, developed